

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Besdin	Team: Team # 5	CCRB Case #: 200716441	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/04/2007 12:30 AM	Location of Incident: 25-37 Steinway Street and at the 114th Precinct stationhouse	Precinct: 114	18 Mo. SOL 5/4/2009	EO SOL 5/4/2009	
Date/Time CV Reported Mon, 11/12/2007 2:02 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 11/12/2007 2:02 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Lisamarie Velotta	23430	929305	114 PCT
2. POM Vincent Florez	05831	920291	114 PCT
3. LT Joseph Gulotta	00000	900369	114 PCT
4. SGT Joseph Corideo	02430	914081	114 PCT
5. POM Serge Jeanbaptiste	30326	941698	114 PCT
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT James Heffernan	03604	896421	114 PCT
2. POM Dennis Mogelnicki	03612	937118	114 PCT
3. POM Brennen Leavy	01630	938830	114 PCT
4. POM Christophe Bienz	06820	938065	WARRSEC
5. POM Cesar Pazmino	21167	941290	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Joseph Gulotta	Force: In front of 25-37 Steinway Street in Queens, Lieutenant Joseph Gulotta used physical force against § 87(2)(b)	
B.LT Joseph Gulotta	Force: In front of 25-37 Steinway Street in Queens, Lieutenant Joseph Gulotta used physical force against § 87(2)(b)	
C.POF Lisamarie Velotta	Abuse: In front of 25-37 Steinway Street in Queens, Officer Lisamarie Velotta threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.POF Lisamarie Velotta	Off. Language: In front of 25-37 Steinway Street in Queens, Officer Lisamarie Velotta made remarks to § 87(2)(b) based upon a perceived disability.	
E.SGT Joseph Corideo	Abuse: In front of 25-37 Steinway Street in Queens, Sergeant Joseph Corideo threatened § 87(2)(b) with the use of force.	
F. An officer	Abuse: In front of 25-37 Steinway Street in Queens, an officer threatened to arrest § 87(2)(b) and § 87(2)(b).	
G.LT Joseph Gulotta	Discourtesy: In front of 25-37 Steinway Street in Queens, Lieutenant Joseph Gulotta spoke obscenely and/or rudely to: § 87(2)(b) and § 87(2)(b).	
H.SGT Joseph Corideo	Discourtesy: In front of 25-37 Steinway Street in Queens, Sergeant Joseph Corideo spoke obscenely and/or rudely to § 87(2)(b).	
I.POF Lisamarie Velotta	Discourtesy: In front of 25-37 Steinway Street in Queens, Officer Lisamarie Velotta spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b).	
J.POM Vincent Florez	Discourtesy: In front of 25-37 Steinway Street in Queens, Officer Vincent Florez spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b).	
K.POM Serge Jeanbaptiste	Discourtesy: At the 114th Precinct stationhouse, Officer Serge Jean-Baptiste spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b).	

Synopsis

On November 3, 2007, at approximately 10:00 p.m., § 87(2)(b) and his teenaged sons § 87(2)(b) and § 87(2)(b) along with § 87(2)(b)'s brother § 87(2)(b) and his teenaged sons Mota § 87(2)(b) and § 87(2)(b) went to dinner at the Eastern Nights restaurant, located at 25-37 Steinway Street in Queens. On November 4, 2007, at approximately 12:30 a.m., § 87(2)(b) and § 87(2)(b) were outside the restaurant, allegedly throwing a cellular phone between them, when Lieutenant Joseph Gulotta, who was with Sergeant Joseph Corideo, Officer Lisamarie Velotta, and PO Vincent Florez, approached § 87(2)(b). § 87(2)(b) tried to walk away, and Lt. Gulotta grabbed his wrist and threw him to the floor as § 87(2)(b) tried to get away, and handcuffed him (**allegation A**). As Lt. Gulotta was handcuffing § 87(2)(b), § 87(2)(b) attempted to push Lt. Gulotta off of § 87(2)(b) and Lt. Gulotta allegedly pushed him (**allegation B**). PO Velotta allegedly threatened to arrest § 87(2)(b) when he protested § 87(2)(b)'s arrest (**allegation C**). PO Velotta also allegedly told § 87(2)(b) who was using crutches at the time of the incident, to move his "crippled ass" (**allegation D**). Some of the other boys informed § 87(2)(b) and § 87(2)(b) and they exited the restaurant. § 87(2)(b) was arrested for § 87(2)(b). Sgt. Corideo allegedly threatened to "snap [his] hand" as he handcuffed him (**allegation E**). An unidentified Hispanic officer allegedly threatened to arrest § 87(2)(b) and § 87(2)(b) (**allegation F**). Throughout the incident, Lt. Gulotta, Sgt. Corideo, PO Velotta, and PO Florez allegedly used profanity while speaking with the group, specifically the word "fuck" (**allegations G, H, I, and J**). While speaking with § 87(2)(b) and § 87(2)(b) at the 114th Precinct stationhouse, Officer Serge Jean-Baptiste allegedly told § 87(2)(b) and § 87(2)(b) to "sit [their] asses down" (**allegation K**).

This case was originally assigned to Investigator Miriam Aranoff, and was reassigned to the undersigned investigator on September 8, 2008, upon Inv. Aranoff's departure from the agency. § 87(2)(g)

[REDACTED]

Summary of Complaint

§ 87(2)(b) filed this complaint with the CCRB on November 12, 2007 via the call processing system (encl. 4a-d). § 87(2)(b) a 5'10" Arab male with brown eyes, § 87(2)(b) § 87(2)(b) provided three statements in connection with this case: his initial complaint filed via the call processing system, a telephone statement provided on November 19, 2008 (encl. 8a), and an in-person statement provided on November 23, 2007 (encl. 8b-g). § 87(2)(g)

On November 3, 2007, at approximately 10:00 PM, § 87(2)(b) took his teenaged sons § 87(2)(b) and § 87(2)(b) to Eastern Nights, a restaurant located at 25-37 Steinway Street in Queens. § 87(2)(b) was accompanied by his brother § 87(2)(b) who brought his son § 87(2)(b) and nephew § 87(2)(b). After a few hours when dinner was concluded, the boys went outside for fresh air.

§ 87(2)(b) was sitting with § 87(2)(b) when one of his sons entered the restaurant and told him that the police are taking § 87(2)(b). § 87(2)(b) went outside.

§ 87(2)(b) saw an officer, identified through the investigation as Lt. Joseph Gulotta, an at least 300 lb. white male in his late thirties or early forties wearing jeans and a white or cream-colored jacket, sitting on § 87(2)(b)'s back, holding § 87(2)(b)'s arms, trying to handcuff them. An officer, identified through the investigation as PO Vincent Florez, who was a white or Hispanic male who was smaller than Lt. Gulotta and was dressed in a uniform with a jacket, was holding § 87(2)(b) down by his face. No other witnesses were present. In a loud but "not impolite" voice, § 87(2)(b) asked Lt. Gulotta what happened. Lt. Gulotta replied, "Stay the fuck back," and § 87(2)(b) identified himself as § 87(2)(b)'s uncle. § 87(2)(b) who had exited the restaurant as well, said that he is § 87(2)(b)'s father. Lt. Gulotta told him that he would speak with them after § 87(2)(b) was handcuffed. PO Velotta was also present.

§ 87(2)(b) said something to the effect of "what are you doing" or "he didn't do anything." An officer, identified through the investigation as Officer LisaMarie Velotta, a white female with light brown hair in her late twenties with an average body build and wearing a uniform, replied, "Shut the fuck up or I'm going to take you to juvenile." In his telephone statement, he reported this statement as: "Shut your fucking mouth or else I am going to take you to juvenile." § 87(2)(b) became very angry and asked on what charges she would arrest § 87(2)(b). The volume of § 87(2)(b)'s voice was loud, but he denied flailing his arms. PO Velotta responded, "If you don't shut the fuck up, I'm going to take you in also." § 87(2)(b) challenged PO Velotta on what grounds he'd be arrested. PO Velotta came within six to twelve inches of § 87(2)(b)'s face and yelled, "Fucking obstruction. Obstruction. Fucking obstruction." § 87(2)(b) didn't move or say anything.

An officer, identified through the investigation as Sgt. Joseph Corideo, a white male in his late thirties or early forties with an average body build and dressed in a uniform with three stripes on the side, approached § 87(2)(b) when PO Velotta yelled in his face. Sgt. Corideo said, "She fucking asked you to move—fucking move. I'm the fucking boss around here." In his telephone statement, he reported this statement as: "If she fucking asks you to fucking move, fucking move. I'm the fucking boss around here." Sgt. Corideo moved his arms around in a wide motion, as if he were talking to everyone present. By this time, there were ten or fifteen unmarked and marked cars on half of the block, and traffic in both directions was stopped.

§ 87(2)(b) put his arms back as far as he could, given a past shoulder injury. Sgt. Corideo said, "If you don't move your freakin hand, I swear to god, I'll snap your fucking arm." In his telephone statement, he omitted the word "fucking". § 87(2)(b) told Sgt. Corideo that he had had surgery on his shoulder on an unknown date, and Sgt. Corideo directed two officers to him. § 87(2)(b) told the officers that they are acting in this manner because he is Arab. § 87(2)(b) and § 87(2)(b) were listening and § 87(2)(b) told them to be quiet. Officers walked § 87(2)(b) half a block before putting § 87(2)(b) in a police car.

At the 104th Precinct, § 87(2)(b) told Lt. Gulotta and Sgt. Corideo that they were discriminating against Arabs and said that he is going to let people know about what happened. Lt. Gulotta told § 87(2)(b) his name. At around 2:00 AM or 3:00 AM, § 87(2)(b) requested to speak with Sgt. Corideo. They went into a room and § 87(2)(b) apologized for his behavior and explained that he was protective of § 87(2)(b). Sgt. Corideo replied, "I know in your culture, you don't take orders from women." § 87(2)(b) was insulted but did not want to engage Sgt. Corideo. § 87(2)(b) wanted to take his children home and asked Sgt. Corideo to give him a ticket and release him. § 87(2)(b) a friend of § 87(2)(b) brought § 87(2)(b) and § 87(2)(b) to the precinct. § 87(2)(b) later told § 87(2)(b) that Sgt. Corideo made the same comments regarding women and Arab culture, which § 87(2)(b) refuted.

Results of Investigation

Additional Victim Statements

§ 87(2)(b)

§ 87(2)(b) provided two statements in connection with this case: a brief telephone statement, provided on November 19, 2007 (encl. 9a), and an in-person statement, provided on November 30, 2007 (encl 9e). § 87(2)(b) was called on December 4, 2007, and asked additional follow-up questions regarding his statements (encl. 9f). § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) came and told § 87(2)(b) that § 87(2)(b) was on the floor. § 87(2)(b) and § 87(2)(b) ran outside and found an officer, identified through the investigation as Lt. Joseph Gulotta, on top of § 87(2)(b) with § 87(2)(b)'s face in the floor. Lt. Gulotta was a 6' 250 lb. white male between 45 and 50 years old wearing dark blue jeans, a dark blue jean jacket, a dark blue or black t-shirt, and a hat. Lt. Gulotta's knee was in § 87(2)(b)'s back and § 87(2)(b) was handcuffed. Also present were five to six officers who were standing around § 87(2)(b) and Lt. Gulotta. All the officers were white and in uniform with their badges visible, some wearing a t-shirt and some wearing a t-shirt and a jacket. One of these officers, identified through the investigation as PO Lisamarie Velotta, was a female in her 30s with black hair and a medium build. Also present was an officer identified through the investigation as Sgt. Joseph Corideo, a 5'10" white male in his 40s with black hair with some grey in it and with a medium build. § 87(2)(b) ran to Lt. Gulotta and asked him what was happening. § 87(2)(b) said that § 87(2)(b) is his son and Lt. Gulotta told him to calm down and said that he will explain what is happening. At some point Lt. Gulotta told § 87(2)(b) "He fucking threw something at the bus." § 87(2)(b) had been outside for about one or two minutes when fifteen to twenty police officers arrived and twenty police vehicles. Other people were outside as well and officers were telling them to stay back.

§ 87(2)(b) and § 87(2)(b) identified themselves as friends of § 87(2)(b). An officer said to § 87(2)(b) something to the effect of "go back you fucking handicap." The officer did not use the word handicap, but something like that word. § 87(2)(b) was standing there but did not say anything. Sgt. Corideo, told § 87(2)(b) and § 87(2)(b) "Go fucking back." § 87(2)(b) who was three or four feet away from § 87(2)(b) asked what was happening. PO Velotta responded, "Shut up. Fucking shut up. Don't say anything. That's not your fucking business." § 87(2)(b) also spoke to Sgt. Corideo, who was standing besides PO Velotta, asking what was happening. § 87(2)(b) tried to explain what happened, and Sgt. Corideo replied, "Don't fucking say anything. That's not your fucking business. We need the father." § 87(2)(b) said in a regular voice that § 87(2)(b) is his friend's son and PO Velotta told § 87(2)(b) "Go fucking back, don't say anything." An officer said to § 87(2)(b) "If you don't fucking stop talking, I'm going to handcuff you." § 87(2)(b) told him to handcuff him. A white male uniformed officer, § 87(2)(b) could not recall who, pushed § 87(2)(b) and handcuffed him. In his telephone statement, § 87(2)(b) did not describe the specific profanity used, stating only that officers said "fuck" a lot, and did not give a detailed account of the force used, saying only that he saw a "four-hundred pound man sitting on his son's back." In the December 4, 2007 telephone conversation, § 87(2)(b) was asked if he heard an officer, possibly Sgt. Corideo, say to § 87(2)(b) "If you don't fucking stop talking, I'm going to handcuff you," and § 87(2)(b) was uncertain.

§ 87(2)(b) and § 87(2)(b) were transported to the precinct in one car. § 87(2)(b) was taken to the precinct in a separate car with two white male officers in their twenties with medium builds and dressed in uniform. The car was an unmarked black or brown Chevy or Ford. § 87(2)(b) the owner of Eastern Nights, later arrived at the precinct with § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) were put in a separate room that § 87(2)(b) could see into. Lt. Gulotta asked § 87(2)(b) what happened. § 87(2)(b) said he did not know that Lt. Gulotta was an officer. Lt. Gulotta said that he witnessed § 87(2)(b) throwing the battery and said that he has the battery. Lt. Gulotta told § 87(2)(b) that § 87(2)(b) would be getting a ticket. § 87(2)(b) asked a sergeant what happened. § 87(2)(b) was released around 5:00/6:00 AM. An officer told § 87(2)(b) that § 87(2)(b) had been taken to court.

§ 87(2)(b)

On November 23, 2007, § 87(2)(b) was interviewed at the CCRB (6c-f). § 87(2)(b) is a 5'8" 150 lb. § 87(2)(b)-old Arab male with black hair and brown eyes. § 87(2)(b)

§ 87(2)(g)

On November 4, 2007, at approximately 12:30 AM, § 87(2)(b) who was on crutches, his brother § 87(2)(b), his friend § 87(2)(b) and § 87(2)(b)'s cousin § 87(2)(b) left a restaurant called Eastern Nights to get pizza at Dominos. They brought it back to the restaurant to eat with § 87(2)(b) and § 87(2)(b)'s father. When they finished eating, the boys exited and stood in front of a closed shop next door to the restaurant. Outside, § 87(2)(b) took § 87(2)(b)'s phone and threw it to § 87(2)(b) who was standing across from § 87(2)(b) and they tossed it back and forth for about ten seconds. They did not throw any objects at vehicles. Without making any physical contact, § 87(2) then asked for the phone back so that he could continue a conversation. § 87(2) didn't seem upset and was calm.

An officer, identified through the investigation as Lt. Gulotta, a "very fat... obese" white male in his 40s or 50s with a white beard, white hair, going bald, and wearing dark blue jeans, ran from across the street and told § 87(2)(b) and § 87(2)(b) to empty their "fucking pockets." § 87(2)(b) thought that he was being robbed. § 87(2)(b) and § 87(2)(b) asked in a medium volume voice who Lt. Gulotta was because he was not wearing a uniform. While speaking, § 87(2)(b) had his arms open. Lt. Gulotta repeated, "Empty your fucking pockets," and twisted § 87(2)(b)'s wrist. § 87(2)(b) hit Lt. Gulotta's hand away and started to speed walk towards the restaurant. Lt. Gulotta grabbed § 87(2)(b)'s whole arm and twisted it, saying, "Don't fucking move." Lt. Gulotta took § 87(2)(b)'s whole arm, lifted it up behind § 87(2)(b)'s back, and got § 87(2)(b) to the ground. Lt. Gulotta put his knee on § 87(2)(b)'s upper back, still held the arm, and put a hand on § 87(2)(b)'s face. § 87(2)(b) immediately approached Lt. Gulotta and tried pushing Lt. Gulotta's left shoulder to get him off of § 87(2)(b). Lt. Gulotta hit § 87(2)(b) across the chest and said, "Back the fuck up." Soon thereafter, An officer, identified through the investigation as Officer Vincent Florez, approached on foot. PO Florez was a Hispanic male with dark skin, black hair, wearing a uniform with a button-down shirt with a badge, and a little younger than Lt. Gulotta. PO Florez got on top of § 87(2)(b)'s lower body. PO Florez also told everyone to "back the fuck up." The officers were saying the word "fuck" every sentence. Lt. Gulotta asked PO Florez for handcuffs and Lt. Gulotta handcuffed § 87(2)(b), § 87(2) and § 87(2) went to the restaurant to get their fathers.

By the time their parents arrived, about fifteen officers had responded. § 87(2)(b) and § 87(2)(b) asked Lt. Gulotta to remove § 87(2)(b)'s handcuffs. Sgt. Joseph Corideo, a white uniformed male in his 40s with black hair with a bit of white said, "I'm the boss of this fucking thing." § 87(2)(b) again asked him to remove the handcuffs, and Sgt. Corideo responded, "No, if you don't shut the fuck up, we're going to take you too." § 87(2)(b) became upset and started yelling at the officers. His brother § 87(2) was with him. Officer Lisamarie Velotta, a uniformed female with a medium body build, said, "Get your crippled ass inside." § 87(2)(b) refused and moved closer to his father. Sgt. Corideo then threatened to snap § 87(2)(b)'s "fucking" hand. § 87(2)(b) said he wouldn't get away with this. Sgt. Corideo told him to, "Shut the fuck up." § 87(2)(b) was "really mad" and yelling. § 87(2)(b) was five feet away. § 87(2)(b)'s uncle § 87(2)(b) who was also present, took him into the restaurant and people who knew his father calmed him down.

When § 87(2)(b) came back outside, an unidentified Hispanic uniformed male officer with black hair and a medium build exited a marked police car and said to § 87(2)(b) "If you don't shut the fuck up, I'm going to take you to juvenile hall." § 87(2)(b) did not speak after that. This officer was the same officer that put his father into a car. At some point, a skinny white teenage boy older than 15 with spiky one-inch-high black hair and wearing jeans and a red t-shirt, approached § 87(2)(b) and said he witnessed the incident. § 87(2)(b) did not have any contact information for this boy.

§ 87(2)(b) went to the precinct with § 87(2)(b) and § 87(2)(b). At the precinct § 87(2)(b) and § 87(2)(b) were trying to see what was happening through a window. An officer, identified through the investigation as PO Serge Jean-Baptiste, saw § 87(2)(b) looking through the window and said “Both of you shut up and sit down,” and told § 87(2)(b) “What did I tell you about these boys.”

§ 87(2)(b)'s mother and § 87(2)(b)'s mother took § 87(2)(b) and § 87(2)(b) to § 87(2)(b) and § 87(2)(b) had an X-ray of his back. § 87(2)(b)'s back was hurting him after the incident and he couldn't sleep.

§ 87(2)(b)

§ 87(2)(b) a 5'5", 160 pounds Arab male with black hair and light brown eyes, § 87(2)(b)

§ 87(2)(b) provided two statements to the CCRB in connection with this case: a brief telephone statement, provided on November 19, 2007 (encl. 5c), and an in-person statement, provided on November 23, 2007 (5d-j). In his telephone statement, § 87(2)(b) provided only an account of the physical force, § 87(2)(g)

§ 87(2)(b)'s account of the events leading up to the initial interaction with Lt. Joseph Gulotta, who was identified through the investigation, was consistent with that of § 87(2)(b) with the exception that § 87(2)(b) did not say that Lt. Gulotta told them to empty their “fucking pockets”. On November 4, 2007, at approximately 12:30AM, Lt. Gulotta, a 6' 290 lb. white male in his mid 40's with brown hair and wearing dark blue plain cotton pants, a blue jacket, and a hat, approached. He grabbed § 87(2)(b)'s left wrist and told § 87(2)(b) to approach him. § 87(2)(b) pulled his right arm away and swept Lt. Gulotta's hand away with his left hand, touching Lt. Gulotta's pinky. § 87(2)(b) told Lt. Gulotta not to touch him and to go away. Lt. Gulotta again asked him to approach, and § 87(2)(b) ignored him, and started to walk “not that fast” towards his father and § 87(2)(b) who were in front of the restaurant. The officer did not identify himself as an officer and did not say that § 87(2)(b) was under arrest.

An officer, identified through the investigation as PO Vincent Florez, came from the street, approached § 87(2)(b)'s and grabbed § 87(2)(b)'s left arm, and put it behind his back. PO Florez was a Hispanic male with a medium build, black hair, brown eyes, tan skin, in his late 30s and wearing dark blue plain cotton pants and a dark blue NYPD sweater. Lt. Gulotta grabbed § 87(2)(b)'s right arm and “tackled” § 87(2)(b) to the ground. Lt. Gulotta put one knee on § 87(2)(b)'s left cheek and another on § 87(2)(b)'s back, near his neck. PO Florez held § 87(2)(b)'s legs. PO Lisamarie Velotta, identified through the investigation, stood nearby. PO Velotta was a female with long black hair in a pony tail and wearing dark blue pants and a bullet proof vest with a pink butterfly sticker on the front. Two more unidentified officers arrived and one of them grabbed § 87(2)(b)'s legs. Three of the officers were on top of § 87(2)(b) and two officers were yelling at him to relax. § 87(2)(b) was on the ground for a minute and a half. He was telling the officers to get off of him and was “shaking” his body. When § 87(2)(b) heard an officer ask for handcuffs, he stopped shaking his body. In his medical records, § 87(2)(b) states that he was thrown to the ground by police and was allegedly arrested for throwing a rock at a bus. Only then did he realize that these individuals were officers. § 87(2)(b) was yelling at the officers to get off of § 87(2)(b) and pushed Lt. Gulotta, after which Lt. Gulotta hit § 87(2)(b) away.

§ 87(2)(b)'s description of what occurred at this point was consistent with that of § 87(2)(b) with the following exceptions: § 87(2)(b) did not specify which officers told people to “get the fuck out of here”. Sgt. Corideo, whom § 87(2)(b) described as a 6' male with black hair in a buzz cut, tan skin, in his early thirties, wearing a jacket with a uniform, told § 87(2)(b) that § 87(2)(b) had thrown a bolt at a bus, and later said that § 87(2)(b) had thrown a battery at a bus. PO Velotta told § 87(2)(b) and § 87(2)(b) “Get the fuck off or I'll arrest you too.”

An unidentified uniformed white male officer who was slim, with blond hair, in his early thirties, searched § 87(2)(b)'s jacket and pants pockets and removed his wallet briefly. § 87(2)(b) asked him about twelve times to loosen his handcuffs, and the officer told him to wait until they get to the station.

The unidentified white male officer, and a second white dirty-blond male uniformed officer in his early thirties with a muscular build took § 87(2)(b) and § 87(2)(b) back to the station house in a marked police car. Officers in the car said, "These people need to get the fuck out of here. Get this Chinese lady behind us to move." The officers spoke to male officers that were in a light brown Impala. An officer in the Impala said to the driver of § 87(2)(b)'s car, "What the fuck do you think your doing?" and the driver of the vehicle § 87(2)(b) was in replied, "I can do whatever the fuck I want."

At the stationhouse, PO Velotta took § 87(2)(b)'s information down and § 87(2)(b) asked an unidentified Hispanic officer to remove his handcuffs. The officer said that he is not § 87(2)(b)'s arresting officer so he cannot remove the handcuffs. PO Velotta and an unidentified Hispanic officer were with § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s father, and an individual named § 87(2)(b) were waiting for them in the station. § 87(2)(b) could see § 87(2)(b) and § 87(2)(b) standing up, trying to see what was happening. An officer identified through the investigation as PO Serge Jean-Baptiste, a tall built black officer in his early 40s, bald, and wearing an officer's uniform with a belt and gun, stood up off of his chair and yelled at § 87(2)(b) and § 87(2)(b) in a loud voice, "Sit your asses down or else I'm going to kick you out of here."

When § 87(2)(b) got home, § 87(2)(b)'s mother and § 87(2)(b)'s mother took them to § 87(2)(b). He received X-rays of his right wrist, his knees, and his chest. He was advised to take care of his injuries by resting and not moving a lot. § 87(2)(b) sustained a cut and bruises on his right knee, bruises on his left knee, bruises on his left wrist, pain in his chest, pain in his gums, and § 87(2)(b) could not close his mouth all the away because his teeth hurt when they were pressed against each other. § 87(2)(b)'s back hurt for a few days as well.

§ 87(2)(b)

On November 23, 2007, § 87(2)(b) a § 87(2)(b)-old 5'5" 149 lb. Arab male with black hair, was interviewed at the CCRB (7a-d). § 87(2)(b)

§ 87(2)(g)

A crowd of fewer than twenty people was outside the store, including a Hispanic-looking teenager, who looked to be fifteen and was wearing a black sweatshirt, a red shirt, and jeans, who was sitting and watching them.

§ 87(2)(b) and § 87(2)(b) threw § 87(2)(b)'s phone back and forth. § 87(2)(b) did not yell, but asked in a low voice for them to return the phone so that he could finish a call. Lt. Joseph Gulotta, who was identified through the investigation, told § 87(2)(b) and § 87(2)(b) to, "empty [their] fucking pockets." Lt. Gulotta was a chubby white male who had facial hair, was bald, and was wearing a black shirt, black jacket, and black sweatpants. § 87(2)(b)'s description of the events leading up to § 87(2)(b) on the ground was consistent with that of § 87(2)(b). § 87(2)(b) tried to get Lt. Gulotta off of § 87(2)(b) and Lt. Gulotta hit § 87(2)(b) with the side of a closed fist, saying, "Get the fuck back." § 87(2)(b) did not touch the officer. Lt. Gulotta also told § 87(2)(b) and § 87(2)(b) to "get the fuck back." Sgt. Corideo and two white males in uniform in button down shirts with an NYPD emblem on the side of their shirts, arrived. Sgt. Corideo was a white male in his fifties with grey and black hair, and may have later identified himself as a sergeant.

§ 87(2)(b) and § 87(2)(b) arrived and asked what occurred. PO Velotta told § 87(2)(b) that she would take him to "juvi." PO Velotta pushed § 87(2)(b) with an open hand, but it was not a hard push. § 87(2)(b) heard Sgt. Corideo threaten to arrest § 87(2)(b) and threaten to break § 87(2)(b)'s wrist. § 87(2)(b) was in front of the restaurant, about ten feet away from his father. § 87(2)(b) moved close to his father

and he and § 87(2)(b) tried to find out what was happening. § 87(2)(b) asked why his father was being arrested. An unidentified Hispanic male in his forties with black hair and dressed in uniform, came out of a marked police car and yelled at § 87(2)(b) and § 87(2)(b) saying, “I’m going to take you guys with me if you don’t shut the fuck up.” PO Velotta was also yelling and cursing at § 87(2)(b) and § 87(2)(b). He did not specify what he said.

§ 87(2)(b) went to the precinct with his father’s friend § 87(2)(b) and § 87(2)(b). At the precinct, § 87(2)(b) was trying to get a view of § 87(2)(b) and his father. PO Jean-Baptiste, a bald black male in his thirties in uniform and sitting at a desk with a computer, said, “I told you this is the second time, sit your ass down.” § 87(2)(b) didn’t remember PO Jean-Baptiste telling him to sit down before. They waited for eight hours until § 87(2)(b) was released, but § 87(2)(b) was detained for longer.

§ 87(2)(b)

On December 21, 2007, § 87(2)(b) was interviewed by the CCRB over the phone (10a-e). § 87(2)(b) is a § 87(2)(b) year-old Arab male, 5’4”, 110 pounds, with brown/black hair and brown eyes. § 87(2)(b)

§ 87(2)(b)’s account of the events leading up to Lt. Gulotta’s initial approach was consistent with that of § 87(2)(b). Lt. Gulotta was bald, fat, and was wearing a jacket with NYPD written on the back, plain black pants, and possibly a black shirt. PO Velotta, the white female officer, possibly had blond hair, though § 87(2)(b) could not remember, was in her 30s, 5’6”, thinly built, and was in a black uniform. § 87(2)(b) did not recall anything that stood out in her uniform. An officer identified as PO Florez was a 5’7”-5’8” Hispanic male in his 40s, had black spiky hair, a strong muscular build, and was wearing a black uniform. An officer identified as Sgt. Corideo was a 5’6”-5’7” white male in his thirties with a medium build and wearing a black uniform. All of the above officers were identified through the investigation.

Lt. Gulotta came out of the car and said to § 87(2)(b) “Take whatever’s out of your pocket.” § 87(2)(b) could not remember if the officer cursed. Lt. Gulotta grabbed § 87(2)(b)’s left hand, and § 87(2)(b) pulled his hand away and ran to the store. Lt. Gulotta ran after § 87(2)(b) and PO Florez exited the car. § 87(2)(b)’s account of how § 87(2)(b) got to the ground was consistent with that of § 87(2)(b) and § 87(2)(b) yelled to Lt. Gulotta to stop. § 87(2)(b) was cursing, “What the fuck are you doing to him. Stop doing that. Get the fuck off of him.” Lt. Gulotta replied, “Shut the fuck up” and “Get the fuck out of here.” Lt. Gulotta never said that he was a police officer. § 87(2)(b) was not moving. Lt. Gulotta handcuffed § 87(2)(b). No other officers had touched § 87(2)(b). § 87(2)(b) was standing about a foot away from § 87(2)(b). § 87(2)(b) cursed at PO Florez, and PO Florez lightly pushed § 87(2)(b)’s chest or stomach with one hand. § 87(2)(b) continued to curse. PO Florez yelled at § 87(2)(b) and his friends to “get the fuck out of here.” PO Velotta came out of the car and yelled at the boys, “Get out of here. You guys are little. Get the fuck out of here. Go to your parents.” § 87(2)(b) did not remember if any other officers were out of the car at this point.

§ 87(2)(b) went with § 87(2)(b) to the restaurant to get § 87(2)(b) and § 87(2)(b) who came outside and yelled at the police. § 87(2)(b) told Lt. Gulotta to get the handcuffs off of his son. Lt. Gulotta picked up § 87(2)(b) and yelled at § 87(2)(b). PO Florez also yelled at § 87(2)(b) but § 87(2)(b) could not remember what the officers were saying. § 87(2)(b) and § 87(2)(b) who were near PO Velotta and PO Florez, were also yelling loudly, using the word “fuck,” and asking what they were doing. § 87(2)(b) and § 87(2)(b) were not doing anything physical. PO Velotta and PO Florez cursed in a loud voice at § 87(2)(b) and § 87(2)(b) but § 87(2)(b) could not remember what they said.

By this time, all five officers were out of the car and two marked police cars arrived with three or more uniformed male officers. § 87(2)(b) did not remember any other details about the officers. The other officers were calming people down. Other people had come from the restaurant, but § 87(2)(b) did not recognize anyone. § 87(2)(b) told an officer to handcuff him, and PO Florez handcuffed § 87(2)(b).

§ 87(2)(b) § 87(2)(b) said to PO Florez that his hand is broken. § 87(2)(b) did not know how PO Florez responded. Other officers were standing with § 87(2)(b) and PO Florez, but § 87(2)(b) could not remember what they were doing. The boys continued yelling. Officers were on the scene for a total of 30 minutes. None of the officers mentioned the word “juvi” or “juvenile,” and none of the officers searched anyone. Lt. Gulotta mentioned that he was the boss, but § 87(2)(b) did not know when or to whom he directed this. § 87(2)(b) did not remember if any of the officers had peppered black and white hair.

§ 87(2)(b) went to the station with § 87(2)(b) and § 87(2)(b) § 87(2)(b) was in the station for six to eight hours. § 87(2)(b) and § 87(2)(b) were sitting down, but they would get up sometimes because when they got up they could see § 87(2)(b) and § 87(2)(b). No officer reacted to them getting up and no officer cursed.

Fieldwork

On January 22, 2008, at approximately 4:15 PM, Investigator Aranoff went to the restaurant Eastern Nights, located on 25-35 Steinway Street in Astoria Queens. § 87(2)(b) was not at the restaurant. A man § 87(2)(b) said that he heard of the incident but did not witness the incident. Investigator Aranoff gave the individual her contact information and instructed him to have any witnesses contact the CCRB. No additional witnesses were located.

Officer Statements

PO Velotta

On January 22, 2008, PO Lisamarie Velotta of the 114th Precinct was interviewed at the CCRB (encl. j-l). PO Velotta is a white female, 5’5”, 165 pounds, with brown eyes and hair. PO Velotta worked from 11:00 PM on November 3, 2007 to 6:30 AM on November 4, 2007. PO Velotta was assigned to impact overtime to address any quality of life conditions. PO Velotta worked with Lt Joseph Gulotta, Sgt Joseph Corideo, and PO Vincent Florez and they were driving an unmarked black car. PO Florez was in uniform and Lt Gulotta was wearing jeans, a blue NYPD issued vest, and an NYPD raid jacket. PO Velotta does not have any entries in her memo book regarding this incident. PO Velotta completed arrest paperwork which was consistent with her CCRB testimony (encl. a-f)

On November 4, 2007, at approximately 12:30 AM, PO Velotta, PO Florez, Lt Gulotta, and Sgt Corideo were assigned to impact overtime on Steinway Street in Queens. While on patrol, Lt Gulotta saw three boys, identified as § 87(2)(b) and § 87(2)(b) (who was on crutches). Lt. Gulotta thought that they were urinating. The boys then turned around, and one of them, identified as § 87(2)(b) threw an object at a New York City transit bus. PO Velotta did not see this but was rather told of it by an unidentified officer. § 87(2)(b) had tan skin, was 5’5”-5’6”, had curly hair, and was slightly over 165 pounds. Lt Gulotta ordered PO Florez to stop the car and everyone, save for Sgt Corideo, exited the car. Sgt Corideo remained in the car vehicle was on the phone dealing with previous arrests that other officers were handling at the stationhouse.

Lt Gulotta approached the boys and asked to speak with them. PO Florez was next to Lt Gulotta and PO Velotta was three to five feet behind them. § 87(2)(b) pushed Lt Gulotta and screamed, “Fuck you. I don’t know who you are.” Lt Gulotta explained that he was a police officer. § 87(2)(b) tried to run away and Lt Gulotta grabbed him. PO Velotta did not know where Lt Gulotta touched him when he grabbed him. § 87(2)(b) fought with Lt Gulotta to get him off.

§ 87(2)(b) and § 87(2)(b) ran into a nearby storefront. As Lt Gulotta and PO Florez tried to handcuff the § 87(2)(b) five to eight men exited the storefront. PO Florez had to help Lt Gulotta handcuff § 87(2)(b). Lt Gulotta was holding § 87(2)(b)’s arm behind his back and had him on the ground. PO Velotta did not know how the officers got him to the ground because she was handling the crowd. She didn’t hear what the officers or anyone from the crowd was saying. People from the crowd

were screaming, some in different languages, and PO Velotta told them to get back. PO Velotta was worried about her safety and the safety of her fellow officers.

PO Velotta put her hands out and said, “Stop. Back up.” One male, identified as § 87(2)(b) yelled, “That’s my nephew,” and another male, identified as § 87(2)(b) screamed, “That’s my son.” They were cursing and screaming in another language, and claimed that the officers were doing this because they are Egyptian. PO Velotta repeatedly told them to stay back. She did not know of any other officers responding to the crowd. § 87(2)(b) tried to get around PO Velotta, put his arms out, and screamed in her face, causing PO Velotta to fear that he was going to hit her face. PO Velotta told him that he would be placed under arrest for disorderly conduct if he didn’t stop. § 87(2)(b) was very angry and continued screaming at her, but never touched PO Velotta and did not manage to get around PO Velotta. PO Velotta did not touch him. PO Florez told Sgt Corideo to get handcuffs.

Sgt Corideo exited the car. § 87(2)(b) was still yelling at PO Velotta’s face and Sgt Corideo told him politely to stop. He refused, and continued screaming. PO Velotta told that § 87(2)(b) should be arrested for attempting to prevent § 87(2)(b)’s arrest, and Sgt Corideo handcuffed § 87(2)(b). PO Velotta did not know if Sgt Corideo had difficulty with the handcuffing, and did not know if § 87(2)(b) and Sgt. Corideo exchanged any words. PO Velotta did not hear Sgt Corideo call himself “the boss” or the “fucking boss.” PO Velotta called for one additional unit over the radio because many people had gathered. After PO Velotta had been at the location for two to three minutes, multiple units responded and performed crowd control. PO Velotta was the only female officer who dealt with § 87(2)(b) and § 87(2)(b). PO Velotta did not see who ultimately handcuffed § 87(2)(b) and she did not know if § 87(2)(b) interacted with the other officers. PO Velotta was on the scene for five to ten minutes.

At the stationhouse, PO Velotta explained to § 87(2)(b) for the first time that he had been obstructing an arrest. While PO Velotta was lodging the arrestees and finding out their pedigree information, Sgt Corideo explained to § 87(2)(b) that he would be getting a court appearance ticket. § 87(2)(b) told Sgt Corideo that he wanted the cuffs off because his wrists were hurting him from a previous injury. Sgt Corideo asked him if he would like medical attention, but he declined. PO Velotta did not know if Sgt Corideo and § 87(2)(b) went into a separate room to speak.

Friends and family of the two arrestees were sitting in the lobby of the stationhouse. Two boys were there, but PO Velotta could not see them because she was in the back, processing paperwork. She did not know which officer was at the desk.

PO Velotta denied using profanity or hearing any officer use profanity, or threatening to arrest anyone present. She denied pushing § 87(2)(b) and denied seeing any officer do so. She denied threatening to arrest any of the boys who were present and denied hearing any officer do so. She denied hearing Sgt. Corideo physically threaten § 87(2)(b). PO Velotta denied saying “get your crippled ass inside” to § 87(2)(b) or hearing any other officer do so.

Sgt. Corideo

On February 26, 2008, Sgt. Joseph Corideo was interviewed at the CCRB (encl. 13c-e). Sgt. Corideo is a white male, 5’7”, 190 pounds, with brown hair and green eyes. On November 4, 2007, Sgt. Corideo worked from 9:40 p.m. to 6:37 a.m. hours in uniform and was assigned to unmarked patrol car #914. He was assigned to impact overtime and working with Lt. Gulotta, PO Velotta, and PO Florez. His memo book entries regarding the incident were consistent with his CCRB statement (encl. 13a-b). § 87(2)(g)

Sgt. Corideo was on the phone with other officers regarding a previous arrest when the car stopped and all the officers save Sgt. Corideo exited, without saying anything. At the time, Sgt. Corideo did not know what happened.

After a couple of minutes, an officer—Sgt. Corideo did not recall who—approached the door of the car and asked him for handcuffs. Sgt. Corideo then hung up the phone, exited the car, and saw Lt. Gulotta on the

floor, placing someone, identified as § 87(2)(b) in handcuffs. Sgt. Corideo could not provide any details about Lt. Gulotta and § 87(2)(b)'s interaction. There were no other people standing by Lt. Gulotta, and Sgt. Corideo did not speak with the officers. Nearby, a male civilian, identified as § 87(2)(b) was yelling in PO Velotta's face. Sgt. Corideo's account of his interaction with § 87(2)(b) leading up to his handcuffing, was consistent with that provided by PO Velotta.

Sgt. Corideo tried to grab § 87(2)(b)'s arms and/or hands while he flailed them. Sgt. Corideo told him to place his hands behind his back, but ultimately held them strongly and walked him towards a doorway to a nearby building. Sgt. Corideo was not sure if PO Velotta was with him at this moment and did not recall if any other officers said anything to him while he was with § 87(2)(b). No other civilians interfered with the process. By this time, other units, at least one or two, had arrived.

§ 87(2)(b) refused to put his hands behind his back. Sgt. Corideo grabbed § 87(2)(b) and told him to relax. § 87(2)(b) explained that he wanted to see § 87(2)(b). An unidentified officer came up to Sgt. Corideo and helped put § 87(2)(b)'s hands behind his back, and handcuffed him. The second officer did not say anything. While being handcuffed, § 87(2)(b) said that he had a prior injury to his arm, and Sgt. Corideo told him that they will provide him with medical attention if needed. Sgt. Corideo did not physically threaten § 87(2)(b). § 87(2)(b) did not threaten to snap § 87(2)(b)'s wrist or hand, and did not curse. Sgt. Corideo did not remember if he explained to § 87(2)(b) why he was being arrested. § 87(2)(b) remained upset and yelled. Sgt. Corideo did not know what PO Florez, Lt. Gulotta, and PO Velotta were doing while he was with § 87(2)(b).

After § 87(2)(b) was handcuffed and when the situation on the location seemed calm and, Lt. Gulotta told Sgt. Corideo that he and PO Florez observed an individual, identified as § 87(2)(b) throw an object at a New York City Bus. § 87(2)(b) had told Sgt. Corideo that § 87(2)(b) was his son and that he would like to get some information. Sgt. Corideo escorted § 87(2)(b) who was calm, to Lt. Gulotta and Lt. Gulotta explained what happened.

While controlling the crowd, no officer cursed or threatened to arrest § 87(2)(b). Sgt. Corideo never called himself the boss and he did not hear any other officer call himself the boss. Sgt. Corideo did not see any officers interacting with boys on the location. He did not say and did not hear any officer say, "Get your crippled ass inside." Sgt. Corideo did not hear any officer curse at any boys or threaten to arrest them. Sgt. Corideo did not remember how long he was at the location and did not remember if he gave anyone handcuffs.

The arrestees were brought back to the stationhouse by unknown officers. At the stationhouse, § 87(2)(b) cursed and yelled at the desk, saying that he had been arrested because of his race. Sgt. Corideo did not know which officer was at the desk but had taken over at the desk so that the officer could enter the arrest in the book. About four to eight family members and friends the arrestees were present, including a boy using crutches, identified as § 87(2)(b) and § 87(2)(b). Sgt. Corideo did not see § 87(2)(b) at the location on Steinway Street.

Once put in the cell, § 87(2)(b) calmed down, and asked to speak with Sgt. Corideo. Sgt. Corideo then went to the cell and escorted § 87(2)(b) to the roll call area. § 87(2)(b) apologized, said that his behavior was out of character, and explained who he was. Sgt. Corideo explained to the rules and regulations of the police department and explained to § 87(2)(b) why he was arrested. § 87(2)(b) was visibly nervous and Sgt. Corideo told him to let him know if he had any problems and he would send him to the hospital, because he did not want him to be sick in a cell. § 87(2)(b) apologized and they shook hands. Sgt. Corideo also told § 87(2)(b) "I would never arrest someone because of their race or ethnicity or anything like that. That's ridiculous." They did not talk about what his race was and Sgt. Corideo never found out § 87(2)(b)'s race or ethnicity. Sgt. Corideo checked on § 87(2)(b) in the holding cell repeatedly.

Sgt. Corideo also interacted with all of the arrestees' family members and friends who were adults. He did not remember interacting with any of the boys present. Sgt. Corideo told the adults that they had to be calm or they will have to leave the stationhouse. He also answered any questions that they had. Sgt.

Corideo did not know if the boys had to be disciplined in the stationhouse and did not know if any officer told the boys to sit down. No officer told the boys "Sit your asses down."

Lt. Gulotta

March 12, 2008, Lt. Joseph Gulotta was interviewed at the CCRB (encl. 11a-c). Lt. Gulotta is a white male, 6', 270 pounds, with brown eyes and brown hair. On November 4, 2007, he was working from 6:00 p.m. to 2:00 a.m. as the special operations lieutenant. He was working with Sgt. Corideo, PO Florez, and PO Velotta in a black unmarked Impala. He did not know the vehicle number. Lt. Gulotta was wearing blue jeans and an NYPD raid jacket with a lieutenant's badge in the front left and "NYPD" written in the back. Lt. Gulotta does not keep a memo book. § 87(2)(g)

Lt. Gulotta observed a young male, identified as § 87(2)(b) throw an object that hit a city bus's windshield, causing the bus to stop. § 87(2)(b) was with a group of two or three people. Lt. Gulotta told the officers that he wanted to arrest § 87(2)(b)

Lt. Gulotta also did not recall where he grabbed § 87(2)(b)'s arm, or which arm he grabbed. § 87(2)(b) pulled his arm away from Lt. Gulotta and took a few steps back. Lt. Gulotta stepped forward, and § 87(2)(b) "squared off to fight." Lt. Gulotta grabbed him in a face-to-face bear hug, and he moved his arms and legs and yelled, "Get the fuck off of me." § 87(2)(b) did not strike Lt. Gulotta. They both went down to the ground, but he did not provide any more details of how this occurred. Lt. Gulotta repeatedly ordered § 87(2)(b) to give him his hands. Lt. Gulotta had control of one of § 87(2)(b)'s hands, but he put his other hand underneath his body. They struggled for a few minutes before § 87(2)(b) managed to handcuff him, but § 87(2)(b) did not land any blows on Lt. Gulotta. At some point during the struggle, PO Florez exited his vehicle, though Lt. Gulotta did not know what he did once he exited. An officer handed Lt. Gulotta a pair of handcuffs because Lt. Gulotta's handcuffs had dropped in the car when he exited the car. Lt. Gulotta was almost certain that he handcuffed § 87(2)(b) but said it was possible that another officer assisted.

The individuals who had been with § 87(2)(b) had stepped back. Lt. Gulotta was not certain whether they yelled during the struggle. As soon as Lt. Gulotta had approached the group, a crowd had come running from a nearby café and stood a few feet away from Lt. Gulotta. Lt. Gulotta was scared because they didn't have enough officers to handle the crowd and he thought they were going to attack him and overrun him. PO Velotta and Sgt. Corideo tried to control the crowd by telling them to step back, but neither used profanity. An older individual, identified as § 87(2)(b) who had tried to attack Lt. Gulotta and stop him from making the arrest was also arrested. Later in the interview, Lt. Gulotta said that there was no specific individual who tried to attack him; rather, it was the crowd as a whole. Lt. Gulotta initially said that he did not see § 87(2)(b) get arrested and did not see him at the location, but later said that he had seen this older male in handcuffs at the location. § 87(2)(b) was angry and yelling profanities, though Lt. Gulotta did not remember what in particular the man was yelling. Lt. Gulotta did not see any injuries on this individual.

When § 87(2)(b) was handcuffed, Lt. Gulotta took him off the floor, brought him to a storefront, and gave him to another officer, whose name he did not recall, to search him. When asked if any other individuals were searched, Lt. Gulotta did not mention if other individuals were searched. § 87(2)(b) did not sustain any injuries as a result of his interaction with Lt. Gulotta. Lt. Gulotta did not know who placed him into the car that took him back to the stationhouse.

Multiple squad cars arrived because an unknown officer requested additional officers. Lt. Gulotta did not know which officers arrived and did not know when the additional officers arrived. Lt. Gulotta identified § 87(2)(b)'s father, § 87(2)(b) and he and possibly Sgt. Corideo spoke with him, explaining what had happened and instructing the father to meet them at the stationhouse. Lt. Gulotta described § 87(2)(b) as angry, though he could not recall his specific words.

There may have been a young male in crutches, identified as § 87(2)(b) but Lt. Gulotta did not interact with him, and he did not recall any other officer interacting with him or saying, “crippled ass.” A photo of § 87(2)(b) did not look familiar to Lt. Gulotta. Lt. Gulotta did not hear what any of the boys on the scene were saying. He is certain that his officers spoke with the boys, but Lt. Gulotta did not hear what they said. Lt. Gulotta did not hear any officer physically threaten a civilian and did not hear any officer say to any civilians that they would arrest them. Lt. Gulotta was on the scene between five to ten minutes.

At the stationhouse, Lt. Gulotta spoke with § 87(2)(b) and explained why he was arrested. § 87(2)(b) apologized for his behavior and for being “hotheaded”. Lt. Gulotta also interacted with § 87(2)(b) at the stationhouse. Lt. Gulotta did not know who brought the arrestees to the desk. Lt. Gulotta did not see any officers interacting with civilians who had come from the location to the stationhouse. Lt. Gulotta did not hear an officer say, “Sit your asses down.” Lt. Gulotta did remember how long he was in the stationhouse until his tour ended.

PO Florez

On March 18, 2008, PO Florez, of the 114th Precinct, was interviewed at the CCRB (encl. 14e-g). PO Florez is a Hispanic male, 5’7”, 200 pounds, with brown eyes and brown hair. On the date of the incident, PO Florez worked from 9:35 p.m. to 6:05 a.m. in uniform and was assigned to conditions auto impact overtime with Sgt. Corideo, Lt. Gulotta, and PO Velotta. They were using car #914, an unmarked black Chevy Impala, and PO Florez was driving. PO Florez does not have any entries in his memo book regarding this incident (encl. a-d). § 87(2)(g)

PO Florez did not see § 87(2)(b) throw an object at a bus. Lt. Gulotta approached § 87(2)(b) as § 87(2)(b) and § 87(2)(b) ran away. None of the civilians asked Lt. Gulotta or PO Florez who they were.

PO Florez’s account of the events leading up to § 87(2)(b)’s apprehension was consistent with the testimony of the other officers interviewed. PO Florez held one of § 87(2)(b)’s arms and Lt. Gulotta held the other arm. PO Florez and Lt. Gulotta went down to their knees and pulled § 87(2)(b) down to his knees. He was then put on his side, and was squirming on the ground, kicking his legs, and tucking one of his arms under his body, but was not speaking. PO Florez did not notice anyone else standing nearby.

PO Florez went back to the car which was about twenty feet away and asked Sgt. Corideo, who was on the phone, for handcuffs. PO Florez handed Lt. Gulotta the handcuffs. Lt. Gulotta managed to handcuff one wrist and PO Florez worked on getting the other hand. Lt. Gulotta then handcuffed the second wrist. They handcuffed § 87(2)(b) within one minute. They lifted him up and PO Florez noticed that a crowd comprised of Arabic-speaking males and a couple of teenagers had formed. From what PO Florez could understand, he heard the crowd asking the officers what they were doing. Four to five police cars had responded, but PO Florez did not remember which officers responded, and thought it possible that officers from other commands besides the 114th had responded as well. PO Florez later learned that PO Velotta had called for additional units because of the crowd that had formed. No officer besides PO Florez and Lt. Gulotta physically interacted with § 87(2)(b).

PO Florez and Lt. Gulotta handed § 87(2)(b) to two unknown male officers. PO Florez then noticed Sgt. Corideo holding the arm of a male, identified as § 87(2)(b). Sgt. Corideo was trying to speak with § 87(2)(b) who kept yelling and asking what was going on. Sgt. Corideo placed him against a metal-shuttered storefront, though he kept moving his body, and PO Florez approached. PO Florez grabbed § 87(2)(b)’s other arm, and he and Sgt. Corideo brought him into a doorway. PO Florez held his arm while Sgt. Corideo handcuffed him. § 87(2)(b) was yelling, but PO Florez did not remember what he was saying. § 87(2)(b) did not mention any previous injury. Neither PO Florez nor Sgt. Corideo said “fuck” during this interaction or used any profanity. Neither he nor Sgt. Corideo threatened to snap § 87(2)(b)’s hand or wrist. PO Florez did not know if he was told why he was being arrested. PO Florez

placed him in a police vehicle and he was taken back to the stationhouse, though PO Florez did not recall who transported him.

At this point, the crowd had increased to about ten people who seemed very upset. Other officers, whom PO Florez could not identify, were trying to keep the crowd under control, though PO Florez was uncertain what specifically they were saying. No officer said “fuck” or used any profanity. Once the crowd was cleared, Lt. Gulotta told PO Florez that § 87(2)(b) was the one who had thrown the object at the bus.

On the location, PO Florez did not recall seeing a young male in crutches, identified as § 87(2)(b). PO Florez did not frisk or search any civilians on the location and did not see any officer do so. Neither PO Florez nor any other officer asked the boys to empty their pockets.

After being on the location between ten and fifteen minutes, PO Florez returned to the stationhouse. He saw the arrestees by the front desk waiting to be processed. PO Florez did not see any other civilians who may have come to the stationhouse in regard to the arrests. PO Florez remained in the stationhouse for the remainder of the night. During this time, he did not interact with the arrestees and did not see any other officer interact with the arrestees.

PO Mogelnicki

On May 12, 2008, PO Dennis Mogelnicki of the 114th Precinct was interviewed at the CCRB (encl. 16c-d). PO Mogelnicki is a white male, 5’9”, 150 pounds, with brown hair and blue eyes. On the date of the incident, PO Mogelnicki worked from 11:15 p.m. to 7:50 a.m. in uniform with PO Leavy. They were assigned to routine patrol in a marked vehicle. PO Mogelnicki did not have his memo book with him at the interview and did not subsequently provide it to the CCRB.

On November 4, 2007, at approximately 12:30 AM, PO Mogelnicki responded to a call for assistance in a commercial area. PO Mogelnicki was presented with photos of the outside of Eastern Nights, but he did not remember if the incident took place outside of the restaurant.

When he arrived, five units, including marked and unmarked cars, were already there. PO Mogelnicki did not remember which other officers were present. PO Mogelnicki and PO Leavy exited their vehicle and watched as other officers handled the situation. Two or three males were handcuffed, being held by their arms and spoken to by officers, though PO Mogelnicki did not recall which specific officers or what they were saying. PO Mogelnicki did not know what these individuals were arrested for, or recall their demeanors. PO Mogelnicki did not see anyone on the ground. A crowd of fifteen to twenty people surrounded the officers. One or two people in the crowd were yelling at the individuals who were handcuffed.

PO Mogelnicki and PO Leavy performed crowd control. PO Mogelnicki did not have any difficulty in controlling the crowd, and had no reason to suspect that the situation would escalate. PO Mogelnicki did not say and did not hear any officer say that they would arrest anyone. PO Mogelnicki did not see any teenage boys or individuals on crutches at the location. PO Mogelnicki did not and did not hear any officer curse. PO Mogelnicki did not observe any physical interactions between officers and civilians. PO Mogelnicki and PO Leavy were on the location for at maximum five minutes. PO Mogelnicki did not go the stationhouse during his tour save for when he signed out in the morning. PO Mogelnicki did not recognize photographs of § 87(2)(b) and § 87(2)(b).

PO Leavy

On May 5, 2008, PO Brennen Leavy of the 114th Precinct was interviewed at the CCRB (encl. 18a-e). PO Leavy is a white male, 5’10”, 205 pounds, with brown hair and blue eyes. PO Leavy was working from 11:15 PM on November 3, 2007 until 7:50 AM on November 4, 2007. He was in uniform, assigned to sectors A, C, and D, and was working with PO Mogelnicki. PO Leavy noted in his memo book that at 1:00

AM, he responded to at 10-10 (possible crime) at 25 Avenue and Steinway Street and that it was handled by conditions.

PO Leavy and PO Mogelnicki responded to a call for overcrowding at a bar, possibly called “Melody”. When they arrived, at least five other officers, including the conditions unit, were already there. PO Leavy did not recall who these officers were. The other officers who were at the location were handling the crowd. PO Leavy did not recall how many people were outside and did not recall what the officers were doing to control the crowd. PO Leavy did not recall encountering or speaking any conditions officers. PO Leavy did not have any physical or verbal interactions with civilians, did not recall any physical interactions between civilians and officers, and did not recall seeing any civilians in handcuffs. PO Leavy did not hear any officers use profanity or recall any civilians on crutches. PO Leavy did not recall responding to any calls which involved civilians of Arab descent. PO Leavy was informed that the incident took place outside of the lounge Eastern Nights, and PO Leavy thought it possible that this was the bar to which he responded. PO Leavy did not recognize the photographs of § 87(2)(b) and § 87(2)(b)

PO Pazmino

On May 8, 2008, PO Cesar Pazmino of the 114th Precinct was interviewed at the CCRB (encl. 17d-e). PO Pazmino is a Hispanic male, 5’8”, 180 pounds, with black hair and brown eyes. On the date of the incident, PO Pazmino worked from 11:15 p.m. to 7:50 a.m. in uniform with PO Bienz. They were assigned to sectors B, G, and H, and to marked patrol car #4122. PO Pazmino did not have any entries in his memo book regarding this incident.

PO Pazmino did not recall the incident, despite being told details of the incident and presented with photographs of § 87(2)(b) and § 87(2)(b)

Sgt. Heffernan

On March 26, 2008, Sgt. James Heffernan of the 114th Precinct was interviewed at the CCRB (15a-b). Sgt. Heffernan is a white male, 5’10”, 190 pounds, with blond hair and blue eyes. On November 4, 2007, Sgt. Heffernan was worked from 11:05 p.m. to 8:02 a.m., in uniform, as the desk sergeant. As the desk sergeant, he did not keep any memo book entries but would have kept any record in the Command Log.

Sgt. Heffernan recalled an incident in which an individual had thrown something at a car or a bus, but did not recall on what date it took place or any additional information. He did not hear any officer curse at the civilians. Sgt. Heffernan did not write the command log entry regarding § 87(2)(b)s and § 87(2)(b)s arrest. Sgt. Heffernan did not recognize the photos of § 87(2)(b) or § 87(2)(b)

PO Bienz

On April 22, 2008, Officer Christopher Bienz of the 114th Precinct was interviewed at the CCRB (encl. 20d-e). PO Bienz is a white male, 5’10”, 200 pounds, with brown hair and brown eyes. On the date of the incident, PO Bienz worked from 11:15 p.m. to 7:50 a.m. in uniform with PO Pazmino. They were assigned to sectors B, G, and H in marked patrol car #4122. PO Bienz did not have any entries in his memo book regarding this incident. According to his memo book, at 12:05 AM, PO Bienz issued a parking summons, though he did not recall where this occurred, and at 12:45 PM, he noted a 10-10 (possible crime) at 27-02 23rd Avenue.

PO Bienz did not have any recollection of this incident, despite being presented with details of the incident and shown photographs of § 87(2)(b) and § 87(2)(b)

PO Jean-Baptiste

On May 21, 2008, PO Serge Jean-Baptiste of the 114th Precinct was interviewed at the CCRB (encl. 19c-d). PO Serge Jean-Baptiste is a black male, 6'0", 194 pounds, and is bald with brown eyes. On the date of the incident, PO Jean-Baptiste worked from 11:15 p.m. to 7:50 a.m. as the telephone switchboard operator, and was dressed in uniform. PO Jean-Baptiste had no memo book entries regarding this incident.

PO Jean-Baptiste did not have any recollection of the incident, despite being provided with details of the incident, and did not recognize the photos of § 87(2)(b) or § 87(2)(b). The T/S operator sits near the front door and would be able to see any civilians who enter the stationhouse. PO Jean-Baptiste denied telling any civilians to "Sit your asses down."

Medical Records

§ 87(2)(b)

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (21a-j). § 87(2)(b) told medical personnel that he was arrested last night and has cuts, bruises, and swelling to his face. § 87(2)(b) complained of pain to his right wrist. A radiograph was conducted and results were "unremarkable." He complained of shortness of breath, and chest radiographs showed no evidence of active chest disease. Radiographs were obtained of his right and left knees, both of which had "unremarkable" results. He was diagnosed with musculoskeletal injuries. He was instructed to return to the doctor in two to three days, ice the injured areas for forty-eight hours and take Motrin or Advil.

§ 87(2)(b)

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (21k-o). § 87(2)(b)'s chief complaint was pain to the left side of his back. He was diagnosed with musculoskeletal pain/back pain. § 87(2)(b) was instructed to return to the doctor in two to three days, take Motrin or Advil, and to ice the injured area for forty-eight hours.

NYPD Documents

Sprint

According to Sprint #N00120 (23a-c), there was a call for additional unit at 12:10 a.m., and at 12:11 a.m. it was specified by conditions that only one car was needed, for crowd control. At 12:11 a.m., no further units were needed at authorization of the sergeant.

Roll Call

According to the 114th Precinct roll call, Lt. Gulotta, Sgt. Corideo, PO Velotta, PO Florez, PO Bienz, PO Jean-Baptiste, Sgt. Hefferman, PO Pazmino, PO Leavy, and PO Mogelnicki were all working tour 3 on November 3, 2007 (22a-o).

Command Log

The command log entry for the arrest of § 87(2)(b) notes that his physical and mental condition was normal and that his father, § 87(2)(b) was present in the stationhouse. The command log entry for the arrest of § 87(2)(b) notes that his physical condition was apparently normal (encl. 22q-u).

Arrest Dispositions and Criminal Conviction Histories

§ 87(2)(b) §§ 86(1)(3)&(4) § 87(2)(c)

Civilian CCRB History

This is the first complaint that § 87(2)(b) or § 87(2)(b) has filed with the CCRB (encl. 2a-f).

Officer CCRB History

PO Velotta has had no allegations against her substantiated in her six-year tenure. PO Florez has had no allegations against him substantiated in his ten-year tenure. Lt. Gulotta has had no allegations against him substantiated in his sixteen-year tenure. Sgt. Corideo has had no allegations against him substantiated in his fifteen-year tenure. PO Jean-Baptiste has had no allegations against him substantiated in his two-year tenure (encl. 1a-g).

Notice of Claim

On March 11, 2008, the investigator was informed by the Office of the Comptroller that no notice of claim has been filed regarding this incident.

Conclusions and Recommendations

Officer Identification and Pleading

All of the subject officers interviewed confirmed their involvement in the incident, save PO Jean-Baptiste.

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both alleged that an unidentified Hispanic male officer, who was not PO Florez, threatened to arrest them, but neither was able to provide a detailed physical description of this officer. PO Pazmino, a Hispanic male officer, responded to the location, but denied threatening to arrest any individual while there. § 87(2)(g)

§ 87(2)(b) alleged that Lt. Gulotta searched § 87(2)(b). However, § 87(2)(b) said that when Lt. Gulotta told him to empty his pockets, he refused, and was never searched. § 87(2)(g) § 87(2)(b) himself denied that he was searched, and no officer stated that he searched § 87(2)(b) § 87(2)(g) § 87(2)(b) alleged that PO Velotta threatened to arrest § 87(2)(b) and § 87(2)(b) but of these three, only § 87(2)(b) reported that PO Velotta threatened to arrest him. § 87(2)(g)

Disputed/Undisputed Facts

The following facts are not in dispute: That § 87(2)(b) resisted being handcuffed and Lt. Gulotta needed to use force to effect his arrest, that § 87(2)(b) and § 87(2)(b) were arrested by PO Velotta.

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(b) alleged that Lt. Gulotta initially grabbed his wrist and told him to come to him. § 87(2)(b) pulled away, and Lt. Gulotta repeated that § 87(2)(b) should not move. § 87(2)(b) began to walk briskly away, when PO Florez approached and put § 87(2)(b)'s arm behind his back. Lt. Gulotta then brought § 87(2)(b) to the ground, and put a knee on § 87(2)(b)'s cheek and another on his back. § 87(2)(b) admitted that he was telling the officers to get off of him and “shaking his body” as they attempted to handcuff him. All accounts of the incident confirm that § 87(2)(b) physically resisted being arrested and that officers had to struggle to place him in handcuffs. According to Patrol Guide Procedure 203-11 (encl. a-b), “Only that amount of force necessary to overcome resistance will be used to effect an arrest” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

All of the civilians interviewed alleged that Lt. Gulotta, Sgt. Corideo, and PO Velotta repeatedly used profanity throughout the incident, specifically the word “fuck”. § 87(2)(b) and § 87(2)(b) also alleged that PO Florez used profanity during the incident. § 87(2)(g)

For example, § 87(2)(b) and § 87(2)(b) all alleged that Sgt. Corideo made a comment to § 87(2)(b) in which he referred to himself as the “fucking boss”, though the specific wording of this statement varied, and § 87(2)(b) and § 87(2)(b) both said that Lt. Gulotta told them to “empty [their] fucking pockets”, though § 87(2)(b) said that he instructed them to empty their pockets but did not recall if he cursed. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) said that as he approached Lt. Gulotta and attempted to push him off of § 87(2)(b) as Lt. Gulotta attempted to arrest § 87(2)(b). Lt. Gulotta hit § 87(2)(b) across the chest. § 87(2)(b) said that Lt. Gulotta hit § 87(2)(b) with a closed fist, and § 87(2)(b) also said that he saw Lt. Gulotta “hit § 87(2)(b) away”. Lt. Gulotta denied having any interaction whatsoever with § 87(2)(b) during the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) alleged that PO Velotta threatened to take him to “juvi”, and § 87(2)(b) confirmed hearing this statement. § 87(2)(b) alleged that PO Velotta told § 87(2)(b) § 87(2)(b) and § 87(2)(b) to back up or they would be arrested. However, as discussed above, neither § 87(2)(b) nor § 87(2)(b) said that PO Velotta threatened to arrest them. § 87(2)(b) denied hearing any officer mentioned “juvi”. PO Velotta denied threatening to arrest any civilian, and no officer heard her threaten to arrest anyone during the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that PO Velotta said, “Get your crippled ass inside,” to § 87(2)(b) who was using crutches at the time of the incident. § 87(2)(b) said that an unspecified officer said something to the effect of, “Go back you fucking handicap.” No other civilian reported hearing this statement. PO Velotta denied making this statement and all officers interviewed who

were present at that time denied hearing PO Velotta make this statement. § 87(2)(g)

§ 87(2)(b) alleged that Sgt. Corideo said to him, “If you don’t move your freakin hand, I swear to god, I’ll snap your fucking arm.” § 87(2)(b) reported hearing Sgt. Corideo say, “If you fucking move, I’m going to snap your hand.” § 87(2)(b) alleged that Sgt. Corideo say to § 87(2)(b) “Back up or I’ll snap your hand [or wrist] off.” § 87(2)(g)

§ 87(2)(b) alleged that an unidentified Hispanic officer said, “I’m going to take you guys with me if you don’t shut the fuck up,” to § 87(2)(b) and § 87(2)(b) and § 87(2)(b) alleged that an unidentified Hispanic officer said, “If you don’t shut the fuck up, I’m going to take you to juvenile hall” to § 87(2)(b) § 87(2)(g)

§ 87(2)(b) said that PO Jean-Baptiste told him to “sit [his] ass down” at the stationhouse. § 87(2)(b) confirmed hearing this statement and said that it was directed to § 87(2)(b) and § 87(2)(b) § 87(2)(b) recalled hearing an officer tell himself and § 87(2)(b) to “shut up and sit down” but did not include any profanity in this statement. § 87(2)(b) denied hearing any officer curse at any of his family members in the stationhouse as they stood up. PO Jean-Baptiste did not recall the incident. § 87(2)(g)

Allegation A: In front of 25-37 Steinway Street in Queens, Lieutenant Joseph Gulotta used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation B: In front of 25-37 Steinway Street in Queens, Lieutenant Joseph Gulotta used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation C: In front of 25-37 Steinway Street in Queens, Officer Lisamarie Velotta threatened to arrest § 87(2)(b)

§ 87(2)(g)

Allegation D: In front of 25-37 Steinway Street in Queens, Officer Lisamarie Velotta made remarks to § 87(2)(b) based upon a perceived disability.

§ 87(2)(g)

Allegation E: In front of 25-37 Steinway Street in Queens, Sergeant Joseph Corideo threatened § 87(2)(b) with the use of force.

§ 87(2)(g)

Allegation F: In front of 25-37 Steinway Street in Queens, an officer threatened to arrest § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Allegation G: In front of 25-37 Steinway Street in Queens, Lieutenant Joseph Gulotta spoke obscenely and/or rudely to: § 87(2)(b) and § 87(2)(b)

Allegation H: In front of 25-37 Steinway Street in Queens, Sergeant Joseph Corideo spoke obscenely and/or rudely to § 87(2)(b)

Allegation I: In front of 25-37 Steinway Street in Queens, Officer Lisamarie Velotta spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)

Allegation J: In front of 25-37 Steinway Street in Queens, Officer Vincent Florez spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Allegation K: At the 114th Precinct stationhouse, Officer Serge Jean-Baptiste spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: